

# Notice of Allowability

Application No.

09/545,639

Examiner

Joseph R. Maniwang

Applicant(s)

CUNNINGHAM ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/21/07.
2. ☒ The allowed claim(s) is/are 1-16 and 20-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

WILLIAM VALENTI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-17 and 20-22 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The closest prior art is Guyot et al. (U.S. Pat. No. 6,119,098), Hassett et al. (U.S. Pat. No. 6,807,558), and Landsman et al. (U.S. Pat. App. Pub. 2003/0023488). Guyot disclosed a method of providing a user computer with access to files of a network [see Guyot, Col. 1, lines 60-67 and Col. 2, lines 1-5], the method comprising: establishing a communication link from the user computer to an access control system of the network (Guyot teaches a client establishing a connection with a server), [see Guyot, Col. 6, lines 44-50]; launching a viewer program that controls a status of the communication link [see Guyot, Col. 6, lines 46-50]; detecting times when the user is not actively sending or receiving data from the network [see Guyot, Col. 2, lines 15-21 and Col. 5, lines 11-17], such that the viewer maintains a pool of ad files at the user computer for display and performs ad pool management tasks (Guyot teaches a client periodically accessing a server over a distributed information network, e.g., Internet, to download targeted advertisements), [see Guyot, Col. 1, lines 65-67, Col. 2, lines 1 - 12]; opening a viewer program window in which a next ad file from the ad file pool is displayed [see Guyot, Col. 5, lines 27-67]; and managing the ad file pool so as to keep track of the number of times each ad file in the ad file pool has been viewed (Guyot also teaches management of advertisement as well as having a database of a personal profile

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regarding a subscriber), [see Guyot, Col. 1, lines 60-64 and Col. 3, lines 23-30, 42-54] and determine when each ad file in the ad file pool should no longer be viewed [see Guyot, Col. 4, lines 1-14]. Even though, Guyot does imply hiding, dragging and dropping of the application window frame as well as status button [see Guyot, Col. 5, lines 35-44, Col. 6, lines 43-50]. However, Guyot does not explicitly provide the details of detecting times when the user is not actively sending or receiving data from the network and downloading ad files from the network to the user computer during such times as well as hiding the viewer program window after a predetermined number of ad files from the ad file pool having been played and keeping the viewer program window hidden for a predetermined quiet interval. Hassett discloses detecting times when the user is not actively sending or receiving data from the network and downloading ad files from the network to the user computer during such times (e.g., utilization of information "Push" technology) [see Hassett, Col. 10, lines 16-39]. Landsman discloses periodically opening the viewer program window and hiding the viewer program window after a predetermined number of ad files from the ad file pool having been played and keeping the viewer program window hidden for a predetermined quiet interval (e.g., Technique for implementing interstitial web advertising through use of an ad descriptor) [see Landsman, Figure 20, sections 0110 and 0151].

4. The prior art references of record do not teach alone or in combination all the limitations together within the independent claim 1. For example, the independent claim contains the newly amended limitations of previous dependent claims 17-19 and 23, where were objected to as containing allowable subject matter. Therefore, the

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independent claim 1 has allowable subject matter and is allowable over the prior art of record. The dependent claims of these claims are also allowable.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

6. Applicant's arguments filed 09/21/07 with respect to claims 1-17 and 20-22 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

### ***Conclusion***

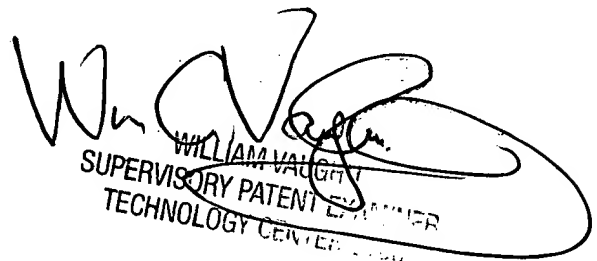
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER